

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEVEN HOTZE, M.D.; WENDELL
CHAMPION; HON. STEVE TOTH; and
SHARON HEMPHILL,

Plaintiffs,

v.

CHRIS HOLLINS, in his official capacity as Harris
County Clerk,

Defendants,

and

MJ FOR TEXAS; DSCC; DCCC; MARY
CURRIE; CARLTON CURRIE JR.; JEKAYA
SIMMONS; and DANIEL COLEMAN,

*Proposed Intervenor-
Defendants.*

Civil Action No. 4:20-cv-03709

**PROPOSED INTERVENOR-DEFENDANTS' UNOPPOSED MOTION TO APPEAR
REMOTELY AND ON BEHALF OF ATTORNEY-IN-CHARGE AT NOVEMBER 2
HEARING**

Proposed Intervenor-Defendants respectfully request that the Court allow their counsel, John Devaney, to appear at the hearing recently scheduled for this coming Monday, November 2, 2020, remotely and on behalf of their attorney-in-charge.¹

Plaintiffs filed this suit three days ago and a motion for preliminary injunction yesterday. ECF Nos. 1, 3. Just hours after the preliminary injunction motion was filed, Proposed Intervenor-Defendants filed their motion to intervene in this action. ECF No. 5. Soon thereafter, this Court

¹ Pursuant to Section 5(c) of this Court's Civil Procedures, counsel have also contacted the Case Manager with the same request to appear remotely. Given the limited time before the scheduled hearing, Proposed Intervenor-Defendants submit the same request in this Motion.

set a hearing on all three of these filings for this Monday, November 2, 2020. ECF No. 6.

Pursuant to Section 5(B) of this Court's Civil Procedures, Proposed Intervenor-Defendants respectfully request that the Court permit attorney John Devaney to appear on behalf of attorney-in-charge Skyler Howton. Given the short notice of this hearing, Ms. Howton has conflicting obligations that would make it difficult for her to appear at the hearing. And as Section 5(B) requires, Mr. Devaney "is familiar with the case and has full authority to bind [his] clients."

Additionally, Proposed Intervenor-Defendants respectfully request that Mr. Devaney, who is located in Washington, D.C., be permitted to appear at Monday's hearing remotely. Under normal circumstances, Mr. Devaney would not hesitate to appear in person at the hearing, even if it required last-minute travel. But given the coronavirus transmission risks associated with airplane travel, and the recent surge in nationwide infections, Mr. Devaney respectfully requests that he be permitted to appear remote, whether by telephone or videoconference.² Relatedly, Texas is currently on the District of Columbia's list of states that require a 14-day period of quarantining after returning from the state.³ For professional and family-related reasons, traveling to Texas at this time would cause Mr. Devaney significant difficulties.

In the event the Court does not permit Mr. Devaney to appear remotely, Proposed Intervenor-Defendants respectfully request that the Court permit attorneys Daniel Osher or Christina Ford, both of whom are familiar with the case and have full authority to bind their clients, to appear in person on behalf of Ms. Howton.

² The current order governing this Court's operations during the coronavirus pandemic, Special Order H-2020-23, provide that "the use of telephone or videoconferencing for proceedings other than jury trials is encouraged when feasible, deemed appropriate by the presiding judge, and permitted by legal technology constraints."

³ District of Columbia, *Phase Two Guidance*, <https://coronavirus.dc.gov/phasetwo>.

In sum, Proposed Intervenor-Defendants respectfully request that John Devaney be permitted to appear remotely and on behalf of attorney-in-charge Skyler Howton at the Court's hearing on Monday. In the alternative, Proposed Intervenor-Defendants respectfully request that attorneys Daniel Osher or Christina Ford be permitted to appear in person on behalf of attorney-in-charge Skyler Howton.

October 31, 2020

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**Pro hac vice* pending

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

Pursuant to the Local Rules and Standing Orders and Procedures of this Court, I hereby certify that counsel for movant Intervenor-Defendants conferred with counsel for Plaintiffs and Defendant regarding this Motion. Neither party opposes this Motion.

Certified to on October 31, 2020

/s/ *Skyler M. Howton*

Skyler M. Howton

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which automatically serves notification of the filing on counsel for all parties.

/s/ *Skyler M. Howton*

Skyler M. Howton